



CITY COUNCIL ACTION

Council Meeting Date: 08/09/2021

Item No: 21-296

Responsible Dept: City Clerk

Requested Action: Order

Map/Lot: N/A

Title, Order

Proposing an Amendment to the Bangor City Charter, Article VI, Sections 2, 5 and 11, Nomination and Elections, to be included on the November 2, 2021 Municipal Ballot

Summary

This Order will place a proposed amendment to Article VI, Sections 2, 5 and 11 of the Bangor City Charter on the November 2, 2021 regular municipal ballot for consideration by Bangor voters.

This Order is the result of a Settlement Agreement with Disability Rights Maine which requires the City of Bangor to provide accessible absentee ballots.

In order to meet the deadline for getting the ballot information to the vendor of those accessible absentee ballots, the dates for when a special election may be held and the dates for returning nomination petitions have been moved back 10 days. Additionally and in order to assist in the preparation of accessible absentee ballots, the period in which a recall election may be held has been adjusted to be between 60 and 70 days from the recall certification; it was previously between 40 and 60 days from certification. This will allow for staff to verify the petitions and prepare the information necessary for a timely submission to the vendor which will satisfy the terms of the Settlement Agreement.

Committee Action

Committee:

Action: Recommend for passage

Meeting Date:

For:

Against:

Staff Comments & Approvals

PRIOR TO MOVING THIS ORDER, A PUBLIC HEARING MUST BE HELD.

City Manager

City Solicitor

Finance Director

Introduced for: New Business



CITY OF BANGOR ORDER

Date: 08/09/2021

Item No: 21-296

Assigned to Councilor: Nichols

Proposing an Amendment to the Bangor City Charter, Article VI, Sections 2, 5 and 11, Nomination and Elections, to be included on the November 2, 2021 Municipal Ballot

WHEREAS, the City of Bangor entered into a Settlement Agreement with Disability Rights Maine to provide accessible absentee ballots to eligible voters with print disabilities;

WHEREAS, said Settlement Agreement requires the City of Bangor to submit local ballots in proper format and on time to its vendor;

WHEREAS, the vendor requires that the local ballot information be submitted no later than 60 days prior to the election;

WHEREAS, the City of Bangor Charter currently does not provide adequate time to satisfy the requirements of the Settlement Agreement;

WHEREAS, the proposed amendments will help staff satisfy the terms of the Settlement Agreement; and

WHEREAS, any amendments to the Bangor City Charter require a vote of the citizens of the City of Bangor;

Be it Ordered by the City Council of the City of Bangor that,

the following amendments to Chapter C, Article VI, Section 2, Vacancies, Section 5, Filing Nomination Papers; Acceptances of Nominations Must be Filed and Section 11, Recall, subsections (c) and (e), of the Bangor City Charter be placed on the ballot of the 2021 regular municipal election to be held November 2, 2021, for approval by the qualified voters of the City of Bangor in accordance with Title 30-A M.R.S.A. §§2104(1) and 2105:

Statement of Fact: Deletions of the existing Charter provisions are struck through. Additions are underlined.

Art. VI. Sec. 2 Vacancies.

(a) A vacancy caused by the death, resignation, removal from the City or removal from office of any member of the City Council or School Committee, occurring within six months prior to the normal expiration of the term of office to which the member concerned was last elected, shall be filled at the next regular City election. The Council or Committee member so elected shall serve a full term.

(b) A vacancy caused by the death, resignation, removal from the City or removal from office of any member of the City Council or School Committee, occurring more than six months prior to normal expiration of the term of office to which the member concerned was last elected, shall be filled at the next regular City election

or, in the discretion of the City Council, at a special election to be called for that purpose. The Council or Committee member so elected shall serve out the remaining unexpired term of the member whose death, resignation, removal from the City or removal from office created the vacancy.

In the event a vacancy to be filled under this subsection **(b)** shall occur within ~~90-100~~ days prior to the next regular City election, the vacancy shall be held over to be filled at the next successive regular City election, or in the City Council's discretion at a special election to be called for that purpose. Except as provided in Section 11 below, no special election called under this subsection **(b)** shall be held sooner than ~~90-100~~ days after the date the vacancy concerned occurs.

When an election is held to fill two or more vacancies with different terms, the candidate with the highest number of votes shall fill the longest term, the one receiving the second highest number of votes shall fill the second longest term, and continuing in this manner until all vacancies have been filled.

Summary: Currently the Charter provides that no special election to fill vacancies will occur if a regular election is to be held within 90 days of the occurrence of the vacancy. This amendment will change the time frame from 90 days to 100 days to allow for sufficient time to prepare the ballot information necessary to create accessible ballots, which accessible ballots are required to allow individuals with print disabilities to vote through the absentee ballot system.

Art. VI. Sec. 5 Filing Nomination Papers; Acceptances of Nominations Must be Filed.

The nomination petitions for any one candidate shall be assembled and united into one petition, and filed with the City Clerk not earlier than ~~80-90~~ nor later than ~~60-70~~ days before the day of election, except that different intervals apply in those contingent elections which may follow a Recall election. No nomination shall be valid unless the candidate shall file with the City Clerk in writing not later than ~~60-70~~ days before the day of election, his or her consent accepting the nomination, agreeing not to withdraw, and, if elected, to qualify.

Summary: Currently the Charter provides that the time frame for filing nomination papers is within the time period of 60 to 80 days prior to the election. This change will amend that time frame to a period of 70 to 90 days prior to the election to provide the necessary time to prepare ballot information necessary to create accessible ballots, which accessible ballots are required to allow individuals with print disabilities to vote through the absentee ballot system.

Art. VI. Sec. 11 Recall.

A member of the Bangor City Council or School Committee may be recalled and removed from elected office by the voters of the City as herein provided.

....

- (c) Calling of recall election. If the petition shall be certified by the Clerk to have sufficient valid signatures, the Clerk shall submit the petition with the Clerk's certificate to the City Council at its next regular meeting and shall notify the member of the City Council or School Committee whose recall is sought by such

petition. The City Council shall thereupon, within ten days after the receipt of the City Clerk's certificate, order an election to be held not less than ~~40-60~~ nor more than ~~60-70~~ days thereafter; provided that if a scheduled election is to occur within ~~90-100~~ days after the receipt of said certificate, the City Council may, in its discretion, provide for the holding of a recall election on the same date. In the event the individual named in a successful recall petition chooses to resign, the Council will declare the office vacant and no Recall election will be held. Vacancies will be filled in the manner prescribed in Section 2 of this Article for filling vacancies occurring at times other than expiration of terms.

Within 10 days after the City Council orders a recall election, the Clerk shall make available nomination petitions to candidates for a possible subsequent election to fill any vacancies created by the recall election. Such petitions shall require the number of signatures specified in Section 3 of this Article and shall be returned to the Clerk within five days after the recall election and only if a vacancy then exists.

...

- (e) Majority vote required; choosing of successor. In case a majority of those voting in the recall election of any official shall vote in favor of recalling such official, he or she shall thereby be removed from office, effective upon certification of the election results by the City Clerk. If the recall succeeds, the City Council shall schedule an election within 30 days of the recall election for the purpose of electing candidates to fill any vacancies created by the recall election. If a scheduled election is to occur within ~~90-100~~ days after the receipt of the Clerk's certificate for the recall election, the City Council may, in its discretion, provide for the holding of the election on the same date. The contents and form of the ballot shall be the same as provided in Sec. 8 of this Article.

Summary: Currently the Charter provides for the time frame for holding a recall election not less than 40 nor more than 60 days after receipt of the City Clerk's certificate of recall unless a regular election will be held within 90 days after the receipt of said certificate. This amendment will change the time frame to be consistent with the rest of Article VI to allow for the preparation of ballot information necessary to create accessible ballots, which accessible ballots are required to allow individuals with print disabilities to vote through the absentee ballot system.